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6 Attorney for Plaintiff

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9 ***UNITED STATES DISTRICT COURT***
10 ***NORTHERN DISTRICT OF CALIFORNIA***
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13 MICHAEL SAVAGE,
14 aka (Michael Weiner)

No. C 07-06076SI

15 Plaintiff,

16 vs.

17 Counsel on American-Islamic
18 Relations, Inc., Council on
19 American Islamic Relations
20 Action Network Inc., Council on
21 American Islamic Relations
22 of Santa Clara Inc., and Does
23 3-100

24 Defendants.
25 _____/

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27 **DECLARATION IN SUPPORT**
28 **OF NOTICE THAT DEFENDANT LACKS**
STANDING TO LITIGATE

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2 I, Daniel Horowitz declare as follows:

3 1. When I filed this lawsuit I had a great deal of trouble identifying the real corporate
4 entity that was CAIR as we understand it in the context of this lawsuit.

5 2. I originally named various CAIR entities and then amended. After meeting and
6 conferring with opposing counsel, I named the organization that he identified as the parent
7 corporation of CAIR. I even put language to this effect in the complaint indicating that this was
8 part of a deliberate plan to deceive and disguise ownership and control.

9 3. I had originally named the Council on American Islamic Relations Action Network but
10 Mr. Burke informed me that the correct group was the Council on American Islamic Relations.

11 4. I continue to track CAIR and read a series of internet based articles where it was
12 alleged that CAIR's articles of incorporation were revoked as of September 8, 2008.

13 5. I then went on line and found that the CAIR entity that we finally sued, Council on
14 American Islamic Relations is no longer listed with the Washington D.C. Secretary of State.

15 6. Listed is the group that I originally served, the Council on American Islamic Relations
16 Action Network.

17 7. Exhibit 1 shows a search I did on the words "Council on". Two CAIR based groups
18 appeared including the CAIR Action Network. Both have a revoked status. Exhibit 2 is the full
19 record for CAIR Action Network and Exhibit 3 is the full record for the CAIR Foundation.

20 8. I then accessed my Choicepoint database (KNOWX.com) and located the original
21 record for Counsel on American Islamic Relations Inc.. I noted the corporate ID number of
22 **942995**. That is the number which is shown for the CAIR Action Network on Exhibits 1 & 2.

23 9. I searched under "CAIR" and "Relations" and "American Islamic" and "American-
24 Islamic) to see if a valid CAIR showed up but it did not. The website is
25 <http://mbler.dc.gov/corp/lookup>.

26 10. Exhibits 5 & 6 are the fuller files for both CAIR Action Network and CAIR. These

documents show that both are revoked. Exhibit 5 shows that the original articles were issued to “Council on American-Islamic Relations, Inc.” (9/15/1994). Exhibit 6 shows that CAIR Action Network was revoked on September 8, 2008. The third page of that exhibit shows that the Council on American-Islamic Relations changed its name to Council on American-Islamic Relations Action Network as of June 15, 2007.

11. This documents shows that the original entity that I named was the correct one since we filed on December 3, 2007. The name change I was led to make by discussion with counsel was to the old and invalid name. (So the references in motions to the “twice amended complaint” which counsel used to imply that I was too inept to find the correct corporate entity by myself, turns out to have been unfair. In fact, our original research was correct and we had designated the correct entity.

12. In fact, this Court’s order of February 14, 2008 (based upon counsel’s stipulation) specifically allows paragraph 9 of the complaint to be modified so that it no longer names CAIR Action Network and instead substitutes CAIR. We now know that plaintiff had it correctly and this stipulation was in error. The Order is attached as Exhibit 7.

13. I do not blame Mr. Burke personally. As far as I know, he has no history of representing this client. I have no reason to believe that he would deliberately mislead me and I would not want to imply anything negative towards him personally by this declaration.

14. However, CAIR knows their name and the fact that they had changed their name and registration from Council on American Islamic Relations to Council on American Islamic Relations Action Network. They let this agreement between counsel take place knowing it was wrong.

15. In any case, as shown by the attached Exhibits, CAIR has no standing to proceed any further in this action.

I declare the above to be true and correct under penalty of perjury. Executed this

1 December 16, 2008 at Lafayette, California.

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27 **DECLARATION IN SUPPORT**
28 **OF NOTICE THAT DEFENDANT**
LACKS STANDING TO LITIGATE